

1 LESLIE R. WEATHERHEAD  
2 GEANA M. VAN DESSEL  
3 WITHERSPOON, KELLEY, DAVENPORT & TOOLE  
4 422 W. Riverside, Suite 1100  
5 Spokane, WA 99201  
6 Ph: (509) 624-5265  
7 Fax: (509) 458-2717

8  
9 Counsel for Defendant Sandra Evans

10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF WASHINGTON

13 WAPATO HERITAGE, LLC, a  
14 Washington Limited Liability Company;  
15 KENNETH EVANS; JOHN WAYNE  
16 JONES; and JAMIE JONES, individual  
17 residents of Washington State,

18 Plaintiffs,

19 v.

20 SANDRA D. EVANS, an individual, not  
21 a resident of Washington State; and DAN  
22 GARGAN, a citizen of Arizona,

23 Defendants.

No. CV-07-314-EFS

DEFENDANT SANDRA EVANS'  
WITNESS LIST

24 Pursuant to the Court's Order Granting Joint Motion to Extend Deadline to  
25 File Exhibit & Witness Lists and Designate Deposition Testimony (Ct. Rec. 330),  
26 Defendant Sandra Evans designates the following individuals as witnesses she may  
27 call at trial. Sandra Evans reserves the right to call any witness listed on Plaintiffs'  
28 Witness List and Dan Gargan's Witness List.

DEFENDANT SANDRA EVANS' WITNESS LIST - 1

WITHERSPOON, KELLEY, DAVENPORT & TOOLE, P.S.  
A PROFESSIONAL SERVICE CORPORATION  
ATTORNEYS & COUNSELORS  
1100 U.S. BANK BUILDING  
422 WEST RIVERSIDE AVENUE  
SPOKANE, WASHINGTON 99201-0300  
(509) 624-5265

Lay Witnesses

1. Plaintiff Kenneth Evans
  - a. Mr. Kenneth Evans will be asked to testify about the business plans and finances of Plaintiff Wapato Heritage LLC.
2. Brad Selland
  - a. Mr. Selland is the President of Selland Construction.
  - b. Mr. Selland is expected to testify about the Plaintiffs' financing, construction plans and proposed development plans for MA-8, as well as the market conditions for the development of residential housing and/or other hotel-casino developments in Chelan County and Washington State.
3. Plaintiff Jamie Jones
  - a. Mr. Jones will be asked to testify about the business plans and finances of Plaintiff Wapato Heritage LLC.
4. Shelley Buckholtz
  - a. Shelley Buckholtz is a lawyer for the law firm of Mikkelsen Broz Wells & Fryer. She represents Jeff Webb, the Personal Representative for the Estate of William Wapato Evans.
  - b. Sandra Evans will illicit testimony from Ms. Buckholtz via her depositions or in-person testimony. If the Court decides to admit parole evidence concerning the negotiation of the Settlement Agreement, Ms. Buckholtz is expected to testify concerning the formation of the Agreement, the BIA's failure to approve the Assignment, and communications between the parties following such failure of the BIA.
5. Jeffrey Webb
  - a. Jeff Webb is the Personal Representative for the Estate of William Wapato Evans, and the Manager for Plaintiff Wapato Heritage, LLC. Sandra Evans will illicit testimony from Mr. Webb via his depositions or in-person testimony.
  - b. Mr. Webb will be asked to testify about Wapato Heritage LLC's finances, proposed business plans for MA-8 and the general business of Wapato Heritage LLC. Mr. Webb will also testify

about the communications between the parties following the BIA's failure to approve the Assignment.

6. Mary Pearson

- a. Chief Judge of the Coeur d'Alene Tribe and served for a period of time as counsel for Sandra Evans.
- b. If the Court decides to admit parole evidence concerning the negotiation of the Settlement Agreement, Ms. Pearson will testify about the negotiations of the Settlement Agreement, the formation of the Settlement Agreement, and the BIA's failure to approve the Assignment.

7. Mary Wynne

- a. Former judge for the Confederated Tribes of the Colville Indian Reservation and represented Sandra Evans in connection with the probate of the Estate of William Wapato Evans.
- b. If the Court decides to admit parole evidence concerning the negotiation of the Settlement Agreement, Ms. Wynne will testify about the negotiations of the Settlement Agreement, the formation of the Settlement Agreement, the BIA's failure to approve the Assignment, and communications between the parties following such failure of the BIA.

8. Sandra Evans

- a. Ms. Evans is expected to give testimony via her deposition transcripts or in-person about her performance under the Settlement Agreement both before and after the BIA failed to approve the Assignment.

Expert Witnesses

1. Robert Duffy

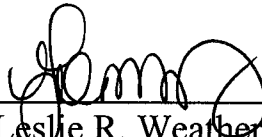
- a. Mr. Duffy, Sandra Evans' expert on damages, will offer his expert independent opinion concerning the present value of net future income streams under the assumptions that the contemplated loan had received the approval of the BIA, and further assuming that all other contractual undertakings of the parties had been performed as

1 agreed, including the Plaintiffs' purchase of an accidental death  
2 and dismemberment insurance policy in the amount of \$10 million  
3 on the life of Sandra Evans, and assuming repayment of the  
4 principal amount of the loan funds on time, and retention of the  
5 repaid principal by Sandra Evans for the remainder of her life.

6 Counsel for Ms. Evans is not presently aware of any conflicts with the  
7 witnesses' schedules.

8 DATED this 16th day of June, 2008.

9 WITHERSPOON, KELLEY, DAVENPORT  
10 & TOOLE, PS

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12  
13 Leslie R. Weatherhead, WSBA No. 11207

14 Email: [lwlibertas@aol.com](mailto:lwlibertas@aol.com)

15 Geana M. Van Dessel, WSBA No. 35969

16 Email: [gmw@wkdtlaw.com](mailto:gmw@wkdtlaw.com)

17 Counsel for Defendant Sandra Evans

18 Witherspoon, Kelley, Davenport & Toole

19 422 W. Riverside, Suite 1100

20 Spokane, WA 99201

21 Ph: (509) 624-5265

22 Fax: (509) 458-2717

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16th day of June, 2009,

1. I electronically filed the foregoing NOTICE OF COMPLIANCE with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: **Michael A. Arch, R. Bruce Johnston, Anthony S. Broadman, Gabriel S. Galanda, Scott B. Henrie, Shelley Buckholtz and Don Curran.**

2. I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants at the address listed below: **None.**

I hereby certify that I have mailed by United States Postal Service the document to the following CM/ECF participants at the address listed below: **none.**

3. I hereby certify that I have hand-delivered the document to the following participants at the addresses listed below: **none.**



Emily Rousseau, Legal Assistant  
Witherspoon, Kelley, Davenport & Toole  
422 W. Riverside Ave., Suite 1100  
Spokane, WA 99201-0300  
Phone: 509-624-5265  
Fax: 509-458-2717  
emilyr@wkdtlaw.com